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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/007,509	12/05/2001	Nelson Douglas Pitlor	PITLP101USA	2338

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EXAMINER

BAXTER, GWENDOLYN WRENN

ART UNIT	PAPER NUMBER
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3632

DATE MAILED: 05/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/007,509

Applicant(s)

PITLOR NELSON

Examiner

Gwendolyn Baxter

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 January 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-91 is/are pending in the application.
- 4a) Of the above claim(s) 28, 29, 38-66, 77-80 and 90 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 6-18, 27, 68-76 and 86-88 is/are allowed.
- 6) ☒ Claim(s) 1-5, 22-26, 30-37, 67, 81-84, 89 and 91 is/are rejected.
- 7) ☒ Claim(s) 19-21, 85 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

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This is the third office action for serial number 09/007,509, Remotely Attachable and Separable Coupling, filed on December 5, 2001.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 22-25 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,422,137 to Watts, hereinafter Watts. The present invention reads on Watts as follows: Watts discloses a base (18), a rod attachment (28, 30, 34), and a coupling means (22). The rod attachment means is integrally formed within the base. The coupling means extends from the base at an angle to the rod attachment means. The base is a tee base. The rod attachment means is a threaded receptacle. The rod attachment means further includes a locking screw (30).

Claim 30-32, 37, 67, 81-84, 89 and 91 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,478,256 to Koganemaru, hereinafter Koganemaru. The present invention reads on Koganemaru as follows: Koganemaru discloses fixture mounting system comprising a first fixed part (1), a second part (4), a tool or first-fourth electrical terminals (7, 8, 9 and 17, 18 and 19) and a latch or retainer (3). The fixed part has a retention mechanism (6). The second part is movable with respect to the first part and attachable with respect thereto. The tool is used for temporarily coupling with respect to the second part to

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position the second part with respect to and for retention to the first part creating a bayonet fitting. The latch is used to retain the tool and second part together. The latch is releasable upon positioning of the second part with respect to the first part. A release mechanism is used to release the retainer or latch to facilitate separating the tool and the one member in response to mounting one member with respect to the other member.

Regarding claim 67, Koganemaru teaches a base (1), a mounting member (4), a multi-retention mechanism (7, 8, 9 and 17, 18 and 19), at least one mechanical attachment (3) and a second attachment (6). The base is attachable to a support. The mounting member is selectively attachable to the base and removable from the base. The multi-retention mechanism holds the base and the mounting member together. The mechanical attachment is selectively operable to release and hold and operates using a positive lock. The second attachment is selectively operable to release and hold and operates responsive to a positional relationship. The method is inherent to the recited structural limitations set forth in Koganemaru.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5, 26, and 33-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 3,836,766 to Auerbach. Figure 12 of one embodiment of Auerbach teaches a base (103g), a cover (14g), and a magnetic device (103). The base is mountable

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securely to a support (18). The cover is attachable to the base. The magnetic device is used to hold the cover and base together. The magnetic device comprises a magnet and ferrous plate. The magnet is mounted to the base or the cover, and the ferrous plate. The magnet being mounted to the base or the cover, and the ferrous plate being mounted to the opposing member. However, this embodiment fails to provide a selectively operable mechanical retainer. Figure 11 of Auerbach teaches the use of a selectively operable mechanical retainer (124, 120) to provide retention of the cover to the base. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the embodiment depicted by Figure 12 to have incorporated the mechanical retainer as illustrated in Figure 11 for the purpose of providing a secondary device further stabilizing the light fixture to the ceiling when using a magnet with a low magnetic field.

Allowable Subject Matter

Claims 10, 12, 19-21, 85 and 88 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Claims 6-18, 27, 68-76, 86-87 are allowed.

Claims 19-21, and 85 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments filed January 20, 2004 have been fully considered but they are not persuasive.

Applicant argues "Watts does not disclose a coupling means extending from the base as recited in claim 22 of the present application." Applicant's attention is directed to figure 3. This figure shows the base (18) and a coupling means (22) resting upon the base. The base has a flat planar surface (17) from which the coupling means extends therefrom.

Furthermore, applicant argues that nowhere is it shown that the magnet extends from the confines of the base." The Watts reference fails to show this certain features of applicant's invention. It is noted that the features upon which applicant relies (i.e., the magnet extends from the confines of the base) are not recited in the rejected claim. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Regarding claims 1-5, 26, 33-36, applicant argues the examiner's failure to provide the necessary suggestion or motivation creates a presumption that the combination of references selected by the examiner to support the obviousness rejection. The motivation for the obvious rejection as stated in the office action dated November is as follows:

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the embodiment depicted by Figure 12 to have incorporated the mechanical retainer as illustrated in Figure 11 for the purpose of providing a secondary device further stabilizing the light fixture to the ceiling when using a magnet with a low magnetic field.

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

Applicant argues "Koganemaru does not teach or suggest that the bayonet terminals are tools for coupling to a second part to position the second part with respect to the first part." As noted by applicant, Koganemaru teaches bayonet connecting terminals 7-9, 17-19 (tool) to retain the detector unit (the second part) to the detector base (the first fixed part) of the smoke detector. The word "tool" has been given its plain meaning since it has not been defined in the specification. The plain meaning of "tool" according to WEBSTER'S II New Riverside University Dictionary is something used in the performance of an operation. In this case, the instrument must be able to perform the operation of temporarily coupling with respect to the second part to position the second part with respect to and for retention to the first part. Clearly, the bayonet connecting terminals teaches the temporarily coupling with respect to the detector unit and the detector base.

Next applicant argues Koganemaru does not teach or suggest a release responsive to mounting of one member to facilitate separating the one member from the tool. The spring or latch is the member to facilitating the separation of one member from the tool. It is irrelevant whether a bar is used to move the latch from engagement to disengagement.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

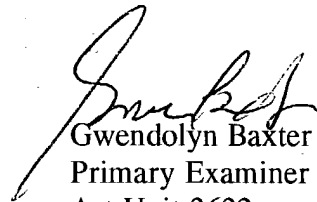
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gwendolyn Baxter whose telephone number is 703-308-0702. The examiner can normally be reached on Monday-Wednesday, 8:00am -5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leslie A Braun can be reached on 703-308-2156. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Gwendolyn Baxter
Primary Examiner
Art Unit 3632

GB
April 30, 2004